E 99
.U8 U54

Copy 2

60TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. } DOCUMENT No. 1279.

UNCOMPAHGRE, UINTAH, AND WHITE RIVER UTE INDIANS IN UTAH.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A COPY OF A COMMUNICATION FROM THE SECRETARY OF THE INTERIOR, SUBMITTING AN ESTIMATE OF APPROPRIATION FOR PROTECTION, ETC., OF RIGHTS OF UNCOMPAHGRE, UINTAH, AND WHITE RIVER UTES IN CERTAIN IRRIGATION SYSTEMS.

JANUARY 5, 1909.—Referred to the Committee on Indian Affairs and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 4, 1909.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior, of December 19, 1908, submitting an estimate of appropriation in the sum of $200,000 to perfect and protect the rights of the Uncompahgre, Uintah, and White River Ute Indians in Utah in and to the waters appropriated under the laws of the State of Utah for the irrigation systems authorized by the act of June 21, 1906.

Respectfully,

GEO. B. CORTELYOU,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

U. S. DEPARTMENT OF THE INTERIOR,
Washington, December 19, 1908.

SIR: I have the honor to transmit herewith a letter from the Commissioner of Indian Affairs, dated the 16th instant, inclosing draft of an item for an appropriation of $200,000, or so much thereof as may be necessary, to enable the Commissioner of Indian Affairs to perfect and protect the rights of the Uncompahgre, Uintah, and White River Utes in and to the waters appropriated under the laws

of the State of Utah for the irrigation systems authorized by the act of June 21, 1906, with the proviso that said sum, or any part thereof, shall be used only in the event of failure to procure from the State of Utah, or its officers, an extension of time in which to make final proof for the waters appropriated for the benefit of the Indians, and any sums expended hereunder to be reimbursed from the proceeds of the sale of the lands within the former Uintah Reservation.

The request of the commissioner for the appropriation herein mentioned has my approval and is respectfully forwarded, through your department, for the appropriate action of the Congress.

Respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

The SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 16, 1908.

The SECRETARY OF THE INTERIOR.

SIR: The act of June 21, 1906 (34 Stat. L., 325–375), appropriated the sum of $125,000 for constructing irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, and fixed the limit of cost at $600,000, the cost of the entire work to be reimbursed from the proceeds of the sale of lands within the former Uintah Reservation.

It also provided that such irrigation systems should be constructed, completed, held, and operated, and the water therefor appropriated under the laws of the State of Utah.

One hundred and fifty thousand dollars was appropriated for the same purpose by the act of March 1, 1907 (34 Stat. L., 1025–1049), and the further sum of $200,000 by the act of April 30, 1908 (35 Stat. L., 70–95). Some $350,000 has already been expended on the work.

In a report to the department, dated November 9, 1908, Chief Engineer Code says that all the projected main canals and ditches contemplated in the applications for water rights filed with the state engineer will be finished by the end of next summer, except one from the White River. He also says that it is now apparent that it will be useless to expect that the great area of approximately 75,000 acres of allotments will be reclaimed by lessees or Indians by the end of the five-year period granted by the state engineer, in a manner which will constitute bona fide final proof, in accordance with the irrigation code of Utah.

The time for final proof on most of the Indian lands will expire in the spring of 1911.

Mr. Code had a conference with the state engineer, who expressed himself as favorable to granting extensions of several years in the matter of final proof, but believed that some local legislation, enlarging the powers of the state engineer, would be necessary before he could grant such extensions.

Every proper effort will be made to obtain such legislation by the State, if after consultation with the United States district attorney and state engineer, as suggested by Mr. Code, it is regarded as necessary.

Mr. Code suggests another possible way to preserve the water rights of the Ute Indians for an added period of time.

If allotments under canals constructed from the Uintah River and Lake Fork and Whiterocks creeks, which are the only streams in which there is any great danger of the Indians losing their prior water rights, can be cultivated for one year, it will preserve to them the water for a further period of seven years, in accordance with the Utah law.

The chief engineer says that by the expenditure of $200,000 it would be possible to preserve water rights to some 20,000 acres. The necessary crop will have to be raised during the season of 1910 and the ground prepared for planting during the summer of 1909.

The cost of the Uintah irrigation systems is to come out of the funds of the Indians, and it is the plain duty of the Government to adopt such measures as may be necessary to secure to them the full benefit of the expenditure.

It is impossible for the allottees to place their lands under cultivation in time to save their water rights, and the office has been unsuccessful in having leased any considerable area.

If the efforts to procure an extension are successful the raising of a crop during the season of 1910 will not be necessary, but if these prove to be unsuccessful it will be too late to obtain an appropriation for the expenditure recommended by Mr. Code.

In order that no steps to protect the interests of the Indians shall be omitted, I believe the Government should advance $200,000, the use of the appropriation to be conditioned on the failure of the efforts to procure the necessary action by the state officers or legislature which would tide the Indians over the critical period.

I have therefore prepared the draft of an item appropriating the sum of $200,000, or so much thereof as may be necessary, for the protection of the water rights of the Ute Indians, conditioned on failure to procure timely action by the State, and to be reimbursed from the proceeds of the sales of lands within the former Uintah Reservation, and respectfully suggest that it be forwarded through the Treasury Department to the Congress with recommendation that it be incorporated in the Indian appropriation bill.

Very respectfully,

F. E. Leupp, *Commissioner.*

Approved December 18, 1908.

James Rudolph Garfield,
Secretary.

Item for Indian appropriation bill.

To enable the Commissioner of Indian Affairs to perfect and protect the rights of the Uncompahgre, Uintah, and White River Utes in Utah in and to the waters appropriated under the laws of the State of Utah for the irrigation systems authorized by the act of June twenty-first, nineteen hundred and six, two hundred thousand dollars, or so much thereof as may be necessary: *Provided*, That said sum, or any part thereof, shall be used only in the event of failure to procure from the State of Utah or its officers an extension of time in which to make final proof for the waters appropriated for the benefit of the Indians, and any sums expended hereunder shall be reimbursed from the proceeds of the sale of lands within the former Uintah Reservation.

O

H125 75 586

JAN '75
N. MANCHESTER,
INDIANA

LIBRARY OF CONGRESS
0 010 738 297 5